

# **EXHIBIT “11”**

# EXHIBIT 11 (a)

**Nicholson Brian**

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**From:** Nicholson Brian  
**Sent:** Friday, December 04, 2009 2:42 PM  
**To:** Thompson Angela (29Q295)  
**Cc:** Fleming Matthew; Alexander Peggy; Hoskins Kathleen  
**Subject:** investigation-cp#09-4881 Merlene Bacchus Dist# 29 ES

Dear Ms. Thompson : The Office of Special Investigations (OSI) is in receipt of the corporal punishment / verbal abuse allegation concerning, Ms. Merlene Bacchus, school aide, CP#09-4881. Please investigate this allegation and fax the completed A-420 form, within five (5) business days, to OSI at 718-935-3927. Please include any and all witness statements, obtained during the course of your investigation, with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Michael Kondos , Confidential Investigator, at 718-935-3888. Please note that this e-mail has been forwarded to your ISC Counsel for information. You may also contact him/her for assistance.

### INVESTIGATING COMPLAINTS

All investigations basically answer the following questions: WHO, WHAT, WHERE, WHEN, WHY and HOW?

#### BASIC REPORT FORMAT

- Source of allegation
- Nature of allegation
- Date/time and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

#### CONDUCTING AN INVESTIGATION

Always be fair, always use common sense, and always keep in mind credibility. Children need to be put at ease and made to feel comfortable. Never ask leading questions of a child. Instead, ask open-ended questions that allow the child to explain his/her answer, rather than simply responding "yes" or "no." At first sign of a child's confusion, pause for a 10 to 15 minute break before starting again.

#### TAKING NOTES

Note the name of the witness, his/her contact information, the date and time of his/her interview, and any other persons present

Write legibly

#### TAKING NOTES, cont.

If witness' statement changes during the course of his/her interview, ask for an explanation and make a note of the change and the explanation provided.

Always keep notes with case file.

#### INTERVIEWING COMPLAINANT AND WITNESS

12/4/2009

**Always separate the persons to be interviewed; never interview victims/witnesses together**

**Start with the complainant**

- Ask the complainant to supply all the information that he/she has in his/her possession
- Find out if the complainant told anyone else about the incident, and, if so, who?
- Was there a lapse between the date on which the alleged incident occurred and the date on which it was reported? If so, why?

**Witnesses**

- Start with general background to put him/her at ease
- Always ask for the source of the information they have, i.e., did he/she witness the event first hand or learn it from someone else (if so, from whom)?
- Where was the witness in relation to the alleged incident (i.e., did he/she have the opportunity to view the incident clearly and without obstruction?)
- What is the relationship of the witness to complainant? To the subject?
- Always ask if witness knows of others that may have information on the incident

**The subject**

**ALWAYS INTERVIEW THE SUBJECT LAST.** However, should the subject offer any potential alibi or corroborating witnesses, interview those persons subsequent to the subject interview.

**CONCLUSION**

Pull together and review all of the information that you have obtained;

Determine what you have in terms of independent witnesses, documentary evidence, and physical evidence;

**CONCLUSION, cont.**

Examine each witness' credibility – Does his/her story make sense? How did the complainant come across during the course of his/her interview? Are the facts explained to you by the complainant corroborated by the facts told to you by the witnesses?

Your conclusion should conform to logic and reason. The facts as told to you by the complainant and

12/4/2009

the witnesses should lead a reasonable person to believe that the incident alleged did, indeed, take place, and the subject did as he/she was alleged to have done.

**IF YOU ARE INVESTIGATING AN INCIDENT OF VERBAL ABUSE AND/OR CORPORAL PUNISHMENT, PLEASE FOLLOW THE CHANCELLOR'S REGULATION A420/A421 AND FILL OUT THE REPORT OF INVESTIGATION CONTAINED AT THE END OF THE REGULATION.**

**IF YOU NEED ASSISTANCE, CALL THE CHANCELLOR'S OFFICE OF SPECIAL INVESTIGATIONS(OSI) AT 718-935-3800 AND REQUEST THE ASSISTANCE OF AN INVESTIGATOR.**

12/4/2009

**EXHIBIT 11 (b)**

**Kondos Michael**

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**From:** Kondos Michael  
**Sent:** Friday, December 04, 2009 4:14 PM  
**To:** Thompson Angela (29Q295)  
**Subject:** cpu# 09-4887 Merlene Bacchus

Dear Ms. Thompson

The Office of Special Investigations (OSI) is in receipt of the corporal punishment/verbal abuse allegation concerning Merlene Bacchus, School Aide, CP#09-4887. Please investigate this allegation and fax the completed A-420 form, within five (5) business days, to OSI at 718-935-3927. Please include any and all witness statements, obtained during the course of your investigation, with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Michael Kondos, Confidential Investigator, at 718-935-3888. Please note that this e-mail has been forwarded to your ISC Counsel for information. You may also contact him/her for assistance.

#### **INVESTIGATING COMPLAINTS**

All investigations basically answer the following questions: WHO, WHAT, WHERE, WHEN, WHY and HOW?

#### **BASIC REPORT FORMAT**

- Source of allegation
- Nature of allegation
- Date/time and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

#### **CONDUCTING AN INVESTIGATION**

Always be fair, always use common sense, and always keep in mind credibility. Children need to be put at ease and made to feel comfortable. Never ask leading questions of a child. Instead, ask open-ended questions that allow the child to explain his/her answer, rather than simply responding "yes" or "no." At first sign of a child's confusion, pause for a 10 to 15 minute break before starting again.

#### **TAKING NOTES**

Note the name of the witness, his/her contact information, the date and time of his/her interview, and any other persons present

Write legibly

#### **TAKING NOTES, cont.**

If witness' statement changes during the course of his/her interview, ask for an explanation and make a note of the change and the explanation provided.

Always keep notes with case file.

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INTERVIEWING COMPLAINANT AND WITNESS

Always separate the persons to be interviewed; never interview victims/witnesses together

Start with the complainant

- Ask the complainant to supply all the information that he/she has in his/her possession
- Find out if the complainant told anyone else about the incident, and, if so, who?
- Was there a lapse between the date on which the alleged incident occurred and the date on which it was reported? If so, why?

Witnesses

- Start with general background to put him/her at ease
- Always ask for the source of the information they have, i.e., did he/she witness the event first hand or learn it from someone else (if so, from whom)?
- Where was the witness in relation to the alleged incident (i.e., did he/she have the opportunity to view the incident clearly and without obstruction?)
- What is the relationship of the witness to complainant? To the subject?
- Always ask if witness knows of others that may have information on the incident

The subject

**ALWAYS INTERVIEW THE SUBJECT LAST.** However, should the subject offer any potential alibi or corroborating witnesses, interview those persons subsequent to the subject interview.

CONCLUSION

Pull together and review all of the information that you have obtained;

Determine what you have in terms of independent witnesses, documentary evidence, and physical evidence;

CONCLUSION, cont.

Examine each witness' credibility – Does his/her story make sense? How did the complainant come across during the course of his/her interview? Are the facts explained to you by the complainant corroborated by the facts told to you by the witnesses?

Your conclusion should conform to logic and reason. The facts as told to you by the complainant and the witnesses should lead a reasonable person to believe that the incident alleged did, indeed, take place, and the subject did as he/she was alleged to have done.

**IF YOU ARE INVESTIGATING AN INCIDENT OF VERBAL ABUSE AND/OR CORPORAL PUNISHMENT,  
PLEASE FOLLOW THE CHANCELLOR'S REGULATION A420/A421 AND FILL OUT THE REPORT OF**

12/4/2009



INVESTIGATION CONTAINED AT THE END OF THE REGULATION.

IF YOU NEED ASSISTANCE, CALL THE CHANCELLOR'S OFFICE OF SPECIAL INVESTIGATIONS(OSI) AT 718-935-3800 AND REQUEST THE ASSISTANCE OF AN INVESTIGATOR.

12/4/2009

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**EXHIBIT 11 (c)**

**Nicholson Brian**

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**From:** Nicholson Brian  
**Sent:** Monday, December 07, 2009 11:31 AM  
**To:** Thompson Angela (29Q295)  
**Cc:** Fleming Matthew; Alexander Peggy; Hoskins Kathleen  
**Subject:** investigation-cp#09-4912/4913 Merlene Bacchus Dist# 29 ES

Dear Ms. Thompson : The Office of Special Investigations (OSI) is in receipt of the corporal punishment / verbal abuse allegation concerning, Ms. Merlene Bacchus, school aide, CP#09-4912 / 4913. Please investigate this allegation and fax the completed A-420 form, within five (5) business days, to OSI at 718-935-3927. Please include any and all witness statements, obtained during the course of your investigation, with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Michael Kondos , Confidential Investigator, at 718-935-3888. Please note that this e-mail has been forwarded to your ISC Counsel for information. You may also contact him/her for assistance.

### INVESTIGATING COMPLAINTS

All investigations basically answer the following questions: WHO, WHAT, WHERE, WHEN, WHY and HOW?

#### BASIC REPORT FORMAT

- Source of allegation
- Nature of allegation
- Date/time and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

#### CONDUCTING AN INVESTIGATION

Always be fair, always use common sense, and always keep in mind credibility. Children need to be put at ease and made to feel comfortable. Never ask leading questions of a child. Instead, ask open-ended questions that allow the child to explain his/her answer, rather than simply responding "yes" or "no." At first sign of a child's confusion, pause for a 10 to 15 minute break before starting again.

#### TAKING NOTES

Note the name of the witness, his/her contact information, the date and time of his/her interview, and any other persons present  
 Write legibly

#### TAKING NOTES, cont.

If witness' statement changes during the course of his/her interview, ask for an explanation and make a note of the change and the explanation provided.  
 Always keep notes with case file.

12/7/2009

INTERVIEWING COMPLAINANT AND WITNESS

Always separate the persons to be interviewed; never interview victims/witnesses together

Start with the complainant

- Ask the complainant to supply all the information that he/she has in his/her possession
- Find out if the complainant told anyone else about the incident, and, if so, who?
- Was there a lapse between the date on which the alleged incident occurred and the date on which it was reported? If so, why?

Witnesses

- Start with general background to put him/her at ease
- Always ask for the source of the information they have, i.e., did he/she witness the event first hand or learn it from someone else (if so, from whom)?
- Where was the witness in relation to the alleged incident (i.e., did he/she have the opportunity to view the incident clearly and without obstruction?)
- What is the relationship of the witness to complainant? To the subject?
- Always ask if witness knows of others that may have information on the incident

The subject

**ALWAYS INTERVIEW THE SUBJECT LAST.** However, should the subject offer any potential alibi or corroborating witnesses, interview those persons subsequent to the subject interview.

CONCLUSION

Pull together and review all of the information that you have obtained;

Determine what you have in terms of independent witnesses, documentary evidence, and physical evidence;

CONCLUSION, cont.

Examine each witness' credibility – Does his/her story make sense? How did the complainant come across during the course of his/her interview? Are the facts explained to you by the complainant corroborated by the facts told to you by the witnesses?

12/7/2009

Your conclusion should conform to logic and reason. The facts as told to you by the complainant and the witnesses should lead a reasonable person to believe that the incident alleged did, indeed, take place, and the subject did as he/she was alleged to have done.

**IF YOU ARE INVESTIGATING AN INCIDENT OF VERBAL ABUSE AND/OR CORPORAL PUNISHMENT, PLEASE FOLLOW THE CHANCELLOR'S REGULATION A420/A421 AND FILL OUT THE REPORT OF INVESTIGATION CONTAINED AT THE END OF THE REGULATION.**

**IF YOU NEED ASSISTANCE, CALL THE CHANCELLOR'S OFFICE OF SPECIAL INVESTIGATIONS(OSI) AT 718-935-3800 AND REQUEST THE ASSISTANCE OF AN INVESTIGATOR.**

12/7/2009

**EXHIBIT 11 (d)**

**Flores Michelle**

**From:** Flores Michelle  
**Sent:** Thursday, December 10, 2009 5:48 PM  
**To:** Thompson Angela (29Q295)  
**Cc:** Fleming Matthew; Hoskins Kathleen  
**Subject:** Investigation - CP #09-5027, Merlene Bacchus, school aide

Dear Ms. Angela Thompson: The Office of Special Investigations (OSI) is in receipt of the corporal punishment/verbal abuse allegation concerning Merlene Bacchus, school aide, CP#09-5027. Please investigate this allegation and fax the completed A-420 form, within five (5) business days, to OSI at 718-935-3927. Please include any and all witness statements, obtained during the course of your investigation, with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Michael Kondos, Confidential Investigator, at 718-935-3888. Please note that this e-mail has been forwarded to your ISC Counsel for information. You may also contact him/her for assistance.

**INVESTIGATING COMPLAINTS**

All investigations basically answer the following questions: WHO, WHAT, WHERE, WHEN, WHY and HOW?

**BASIC REPORT FORMAT**

- Source of allegation
- Nature of allegation
- Date/time and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

**CONDUCTING AN INVESTIGATION**

Always be fair, always use common sense, and always keep in mind credibility. Children need to be put at ease and made to feel comfortable. Never ask leading questions of a child. Instead, ask open-ended questions that allow the child to explain his/her answer, rather than simply responding "yes" or "no." At first sign of a child's confusion, pause for a 10 to 15 minute break before starting again.

**TAKING NOTES**

Note the name of the witness, his/her contact information, the date and time of his/her interview, and any other persons present

Write legibly

**TAKING NOTES, cont.**

If witness' statement changes during the course of his/her interview, ask for an explanation and make a note of the change and the explanation provided.

Always keep notes with case file.

**INTERVIEWING COMPLAINANT AND WITNESS**

12/10/2009

**Always separate the persons to be interviewed; never interview victims/witnesses together**

Start with the complainant

- Ask the complainant to supply all the information that he/she has in his/her possession
- Find out if the complainant told anyone else about the incident, and, if so, who?
- Was there a lapse between the date on which the alleged incident occurred and the date on which it was reported? If so, why?

Witnesses

- Start with general background to put him/her at ease
- Always ask for the source of the information they have, i.e., did he/she witness the event first hand or learn it from someone else (if so, from whom)?
- Where was the witness in relation to the alleged incident (i.e., did he/she have the opportunity to view the incident clearly and without obstruction?)
- What is the relationship of the witness to complainant? To the subject?
- Always ask if witness knows of others that may have information on the incident

The subject

**ALWAYS INTERVIEW THE SUBJECT LAST.** However, should the subject offer any potential alibi or corroborating witnesses, interview those persons subsequent to the subject interview.

CONCLUSION

Pull together and review all of the information that you have obtained;

Determine what you have in terms of independent witnesses, documentary evidence, and physical evidence;

CONCLUSION, cont.

Examine each witness' credibility – Does his/her story make sense? How did the complainant come across during the course of his/her interview? Are the facts explained to you by the complainant corroborated by the facts told to you by the witnesses?

Your conclusion should conform to logic and reason. The facts as told to you by the complainant and the witnesses should lead a reasonable person to believe that the incident alleged did, indeed, take place, and the subject did as he/she was alleged to have done.

**IF YOU ARE INVESTIGATING AN INCIDENT OF VERBAL ABUSE AND/OR CORPORAL PUNISHMENT, PLEASE FOLLOW THE CHANCELLOR'S REGULATION A420/A421 AND FILL**

12/10/2009



OUT THE REPORT OF INVESTIGATION CONTAINED AT THE END OF THE REGULATION.

IF YOU NEED ASSISTANCE, CALL THE CHANCELLOR'S OFFICE OF SPECIAL  
INVESTIGATIONS(OSI) AT 718-935-3800 AND REQUEST THE ASSISTANCE OF AN  
INVESTIGATOR.

12/10/2009

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**EXHIBIT 11 (e)**

**Nicholson Brian**

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**From:** Nicholson Brian  
**Sent:** Thursday, February 03, 2011 2:21 PM  
**To:** Thompson Angela (29Q295)  
**Cc:** Torres Dennisa  
**Subject:** investigation-cp#11-0677 Merlene Bacchus Dist# 29

Dear Ms. Thompson:

The Chancellor's Office of Special Investigations (OSI) is in receipt of the corporal punishment/ verbal abuse allegation that was submitted concerning Ms. Merlene Bacchus, school aide, CP #11-0677. Please investigate this allegation and fax the completed A- 420 form, within five (5) business days, to OSI at 718-935-3927. If you obtain written statements during the course of your investigation, please include those statements with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Confidential Investigator Michael Kondos at (718) 935-3888. Please note that this e-mail has been forwarded to the Senior Field Counsel assigned to your school for his/her information.

### **INVESTIGATING COMPLAINTS**

**All investigations should answer the following questions:  
WHO? WHAT? WHEN? WHERE? WHY? HOW?**

#### **BASIC REPORT FORMAT**

- Source of allegation
- Nature of allegation
- Date, time, and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

#### **THE INVESTIGATION**

- Always be fair, use common sense, and always keep in mind credibility.
- Children need to be put at ease and made to feel comfortable prior to questioning.
- Never ask leading questions of a child.
- At first sign of a child's confusion, pause for a 10-15 minute break before starting again.

#### **TAKING NOTES**

- Note the witness' name and contact information, the date and time, and the name of anyone who observed the interview
- Write legibly
- Always keep notes with case file

#### **INTERVIEWING COMPLAINANT AND WITNESS**

**Always separate interviewees. Never interview multiple victims or witnesses together.**

**Always have a neutral party -- such as an Assistant Principal, a guidance counselor, or a social worker -- sit in on your student interviews as an observer.**

**Parental consent/presence is not required. However, it is not prohibited.**

Start with the complainant

- Ask the complainant to supply all information that he/she may possess
- Has complainant told anyone else about the incident?
- If there is a period of time between incident and report, why?

Next, move on to potential witnesses

- Start with general background to put him/her at ease
- Always ask the witness for the source of his/her information, i.e., did they see the event first hand, or were they told about it?
- Where was the witness in relation to the incident?
- What is the relationship of witness to complainant or subject?
- Always ask if witness knows of others that may have information on the incident

Interview the subject LAST

- The subject is entitled to union representation; not legal representation
- If the subject should request to see any written student statements that you've collected, be sure to have him/her execute the "non-retaliation agreement" before turning said statements over
- The subject must return the statements to you at the end of the interview. He/she is not entitled to copies.
- Always remember to interview any persons whom the subject offers as
- alibi or corroborating witnesses

#### CONCLUSIONS

Gather all of your evidence/ information together

Determine what you have in the way of independent witnesses, documentary evidence, and/or physical evidence

Evaluate credibility of all of the witnesses, including the complainant/victim and the subject

Evaluate the complainant's story? Do the facts fit the incident? Is there any corroboration for his/her claim?

Your conclusion should be **reasonable**. The facts should lead a reasonable person to believe that this incident did, indeed, take place, and the subject did as he/she was accused of doing.

**IF YOUR INVESTIGATION INVOLVES AN ALLEGATION OF VERBAL ABUSE OR CORPORAL PUNISHMENT, PLEASE FOLLOW THE MANDATES OF CHANCELLOR'S REGULATIONS A420 AND A421, AND FILL OUT THE REPORT OF INVESTIGATION CONTAINED AT THE END OF THE REGULATIONS.**

**IF YOU NEED ASSISTANCE, CALL THE OFFICE OF SPECIAL INVESTIGATIONS AT (718) 935-3888, AND ASK FOR OVERSIGHT INVESTIGATOR MICHAEL KONDOS.**

**EXHIBIT 11 (f)**

**Danko Gerry**

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**From:** Danko Gerry  
**Sent:** Thursday, February 03, 2011 4:00 PM  
**To:** Pepper Renee (29Q295)  
**Cc:** Torres Dennisa  
**Subject:** CPU # 11-0685

**From:** Nicholson Brian  
**Sent:** Wednesday, August 11, 2010 8:55 AM  
**To:** &OSI All Staff; &OSI Administrative Staff  
**Subject:** This is Mikes new e-mail to the principals

Dear Ms. Pepper :

The Chancellor's Office of Special Investigations (OSI) is in receipt of the corporal punishment/ verbal abuse allegation that was submitted concerning Ms .Merlene Bacchus, school aide, CP #11-0685. Please investigate this allegation and fax the completed A- 420 form, within five (5) business days, to OSI at 718-935-3927. If you obtain written statements during the course of your investigation, please include those statements with the submission of your completed A-420 form.

If you have any questions or need assistance, please contact Confidential Investigator Michael Kondos at (718) 935-3888. Please note that this e-mail has been forwarded to the Senior Field Counsel assigned to your school for his/her information.

### **INVESTIGATING COMPLAINTS**

**All investigations should answer the following questions:  
WHO? WHAT? WHEN? WHERE? WHY? HOW?**

### **BASIC REPORT FORMAT**

- Source of allegation
- Nature of allegation
- Date, time, and place of allegation
- Prior history of subject (and other allegations or charges)
- Investigation
- Conclusion

### **THE INVESTIGATION**

- Always be fair, use common sense, and always keep in mind credibility.
- Children need to be put at ease and made to feel comfortable prior to questioning.
- Never ask leading questions of a child.
- At first sign of a child's confusion, pause for a 10-15 minute break before starting again.

### **TAKING NOTES**

- Note the witness' name and contact information, the date and time, and the name of anyone who observed the interview
- Write legibly
- Always keep notes with case file

#### INTERVIEWING COMPLAINANT AND WITNESS

**Always separate interviewees. Never interview multiple victims or witnesses together.**

**Always have a neutral party -- such as an Assistant Principal, a guidance counselor, or a social worker -- sit in on your student interviews as an observer.**

**Parental consent/presence is not required. However, it is not prohibited.**

Start with the complainant

- Ask the complainant to supply all information that he/she may possess
- Has complainant told anyone else about the incident?
- If there is a period of time between incident and report, why?

Next, move on to potential witnesses

- Start with general background to put him/her at ease
- Always ask the witness for the source of his/her information, i.e., did they see the event first hand, or were they told about it?
- Where was the witness in relation to the incident?
- What is the relationship of witness to complainant or subject?
- Always ask if witness knows of others that may have information on the incident

Interview the subject LAST

- The subject is entitled to union representation; not legal representation
- If the subject should request to see any written student statements that you've collected, be sure to have him/her execute the "non-retaliation agreement" before turning said statements over
- The subject must return the statements to you at the end of the interview. He/she is not entitled to copies.
- Always remember to interview any persons whom the subject offers as
- alibi or corroborating witnesses

#### CONCLUSIONS